



UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Jessica Ash Warring)

Application No.: 09/941,132)

Filed: August 27, 2001)

For: Ear Coupler)

Date: September 23, 2003

Group Art Unit: 2837

Examiner: Kimberly Lockett

Attorney Ref. No.: 103.08

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Sheeha
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Response to Office Action with Amendments

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir or Madam:

The applicant respectfully responds to the office action issued on March 24, 2003 with the following remarks and amendments.

As explained below, the current § 103 rejection must be withdrawn because at the time of invention, Natus Medical Inc. ("Natus") owned both the primary § 103 reference (the Sheehan patent) and the present invention. Under § 103(c), earlier patents "shall not preclude patentability under [§ 103] where the subject matter and the claimed matter were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Since Natus owned both the Sheehan patent and the present invention at the time it was invented, the rejections should be withdrawn and all claims allowed.

The applicant also submits certain amendments, and as required by the newly amended Rule 1.121, the amendments are submitted on their own pages. Amendments to the claims begin on page 2 of this paper, amendments to the specification begin on page 9, and amendments to the drawings begin on page 10. An appendix including the amended drawing figures is attached at the end of this document.

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01 FC:EP01 84.00 DA
02 FC:EP02 36.00 DA